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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|------------------------|---------------------|------------------|
| 09/238,224 | 01/27/1999 | MARK CHARLES BEUTNAGEL | BEUTNAGLE-3- | 6579 |

7590 11/26/2002

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EXAMINER

OPSASNICK, MICHAEL N

ART UNIT

PAPER NUMBER

2655

DATE MAILED: 11/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|----------------------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/238,224 | BEUTNEGAL ET AL |
| | Examiner Michael N. Opsasnick | Art Unit 2655 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 24 September 2002.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

4) Claim(s) 1-5,7,10 and 13-22 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-5,7,10 and 13-22 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

| | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5,7,10,13-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al (6088673) in view of Campbell et al (6366883).

As per claims 1,18-22, Lee et al (6088673) teaches a first step including in said signal a plurality of phonemes by phoneme symbols (as phoneme symbols col. 5 lines 42-54); a second step including in said signal a desired duration of each of said phoneme symbols (col. 5 lines 53-55); a third step including at least one of said phonemes at a time offset from the beginning of the duration of said phoneme that is greater than zero less than the duration of said phoneme (as offsets from beginning of sentence which starts on the phoneme level, col. 6 lines 5-50). Furthermore, Lee et al teaches at least two prosody parameter specification towards a target value (col. 6 lines 10-19). Lee et al does not explicitly teach any selected point in time for reaching said target value, however, Campbell et al (6366883) teaches a selected point in time for reaching the target value (col. 16 line 14 – col. 17 line 23).

Therefore, it would have been obvious to one of ordinary skill in the art of speech processing

to modify the teachings of Lee et al with “any selected point in time” for reaching the target value because it would advantageously approximate costs between target and candidate phonemes (col. 2 lines 40-49).

As per claims 2, 15, Lee et al teaches pitch parameters (col. 7 line 65)

As per claims 3, 16, Lee et al teaches energy parameters (col. 7 line 65)

As per claims 4, 17, Lee et al teaches target values for both pitch and energy (col. 7 line 65)

As per claim 5, Lee et al teaches either one of said at least two prosody specs specifies an energy (col. 7 lines 54-60, for the case of sentence boundary)

As per claim 7, Lee et al teaches target specs in terms of offsets from the beginning of the sentence (col. 5 line 63 – col. 6 line 5), wherein the sentence start is determined on the phoneme level (col. 6 lines 40-50)

As per claim 10, Lee et al teaches text (col. 6 lines 34-40)

As per claim 13, Lee et al teaches image (col. 6 lines 29-34)

As per claim 14, Lee et al teaches offset (col. 6 lines 1-2)

Response to Arguments

3. Applicant's arguments filed 9/24/2002 have been fully considered but they are not persuasive. On page 2 of applicant's response, applicant's present a detailed analysis of the Campbell reference. ON top of page 3 of the response, applicant's make a general broad statement that the teachings are not related to “a collection of steps for synthesizing speech; which is precisely to what claim 1 is direct; the inventive collection of steps for synthesizing

speech.” Examiner disagrees on many fronts with that statement. Firstly, the preamble of claim 1 pertains to “a method for generating a signal rich in prosody information”; and at this point there is no further reference to “generating a signal”, let alone synthesizing speech (In other words, there is no reference to “synthesizing speech” in claim 1 as argued on page 3 of the response. Secondly, the body of claim 1 pertains to, at best, a description of information elements of the signal: a) phoneme symbols representing phonemes; b)phoneme duration; c)specifying a target value for a prosody parameter and any selected point in time for reaching a target value.

With respect to applicant’s arguments presented in the next to last paragraph on page 3 of the response, the ‘process of synthesis’ is nowhere claimed in claim 1, the target value of Campbell is the phoneme that is the closest match (as pointed by applicant in the previous argument), and the target value in Campbell is not limited to a particular time, and nowhere in claim 1 is there language pertaining to a target level.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to

37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (703)305-4089, who is available Tuesday-Thursday, 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached at (703)305-4827. The facsimile phone number for this group is (703)872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

mno
11/22/02


11/22/02
DORIS H. TO
PRIMARY EXAMINER